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RESOLUTION NO. 04-281

(Out of Corporate Limits)

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **MAIN 7, NORTHWEST INTERCEPTOR SEWER (AN AREA GENERALLY BOUNDED BY 29TH STREET NORTH, MAIZE, 37TH STREET NORTH, AND 119TH STREET WEST) 468-83502**, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING **MAIN 7, NORTHWEST INTERCEPTOR SEWER (AN AREA GENERALLY BOUNDED BY 29TH STREET NORTH, MAIZE, 37TH STREET NORTH, AND 119TH STREET WEST) 468-83502**, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct **Main 7, Northwest Interceptor Sewer (an area generally bounded by 29th Street North, Maize, 37th Street North, and 119th Street West) 468-83502**, in the City of Wichita, Kansas.

SECTION 2. That the cost of said improvements provided for hereof is estimated to be **Eight Hundred Forty-five Thousand Dollars (\$845,000.00)**, exclusive of the cost of interest on borrowed money, with **20** percent payable by the improvement district and **80** percent payable by the City of Wichita Sewer Utility Fund. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **June 1, 2004**.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

EVERGREEN 4TH ADDITION

Lots 1 thru 26, Block 1

Lots 1 thru 4 and 11 thru 14, Block 2

Lots 1 thru 8, Block 3

(EXCEPT THAT PORTION LYING IN THE EAST 1680 FEET OF THE NORTH HALF OF THE N.E. 1/4 OF SEC. 6, T27S, R1W.)

UNPLATTED TRACT "A"

THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 26 SOUTH, RANGE 1 WEST OF THE SIXTH P.M.; EXCEPT THE SOUTH 634.74 FEET OF THE WEST 790.10 FEET AND EXCEPT THE EAST 520.00 FEET OF THE WEST 1310.10 FEET OF THE SOUTH 449.04 FEET THEREOF; EXCEPT FOR ROAD RIGHT OF WAY.

UNPLATTED TRACT "B"

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 26 SOUTH, RANGE 1 WEST OF THE 6TH P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:
THE SOUTH 634.74 FEET OF THE WEST 790.10 FEET TOGETHER WITH THE EAST 520.00 FEET OF THE WEST 1310.10 FEET OF THE SOUTH 449.04 FEET THEREOF; EXCEPT FOR ROAD RIGHT OF WAY.

UNPLATTED TRACT "C"

THE SOUTHWEST QUARTER OF THE S.E. QUARTER OF SECTION 31, TOWNSHIP 26 SOUTH, RANGE 1 WEST OF THE 6TH P.M.; EXCEPT FOR ROAD RIGHT OF WAY.

UNPLATTED TRACT "D"

THE NORTH HALF OF THE N.E. 1/4 OF SECTION 6, TOWNSHIP 27 SOUTH, RANGE 1 WEST OF THE 6TH P.M.; EXCEPT THE EAST 1680 FEET THEREOF; EXCEPT THAT PORTION PLATTED AS EVERGREEN 4TH ADDITION AND EXCEPT FOR ROAD RIGHT OF WAY.

UNPLATTED TRACT "E"

THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 26 SOUTH, RANGE 1 WEST OF THE 6TH P.M.; EXCEPT THE SOUTH 546.56 FEET OF THE EAST 876.68 FEET; EXCEPT FOR ROAD RIGHT OF WAY.

UNPLATTED TRACT "F"

THE SOUTH 546.56 FEET OF THE EAST 876.68 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 26 SOUTH, RANGE 1 WEST OF THE 6TH P.M.; EXCEPT BEGINNING 1868.63 FEET WEST OF THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER; THENCE NORTH 244.1 FEET; THENCE WEST 220 FEET; THENCE SOUTH 244.1 FEET; THENCE EAST 220 FEET TO THE POINT OF BEGINNING; EXCEPT FOR ROAD RIGHT OF WAY.

UNPLATTED TRACT "G"

A TRACT OF LAND IN SECTION 30, TOWNSHIP 26 SOUTH, RANGE 1 WEST OF THE 6TH P.M.; DESCRIBED AS FOLLOWS:
BEGINNING 1868.63 FEET WEST OF THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER; THENCE NORTH 244.1 FEET; THENCE WEST 220 FEET; THENCE SOUTH 244.1 FEET; THENCE EAST 220 FEET TO THE POINT OF BEGINNING; EXCEPT THE SOUTH 30 FEET FOR ROAD RIGHT-OF-WAY.

UNPLATTED TRACT "H"

A TRACT OF LAND IN SECTION 30, TOWNSHIP 26 SOUTH, RANGE 1 WEST OF THE 6TH P.M.; DESCRIBED AS FOLLOWS:
THE NORTH 806.03 FEET OF THE EAST 760 FEET M-L OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, EXCEPT FOR ROAD RIGHT-OF-WAY ON THE EAST.

UNPLATTED TRACT "I"

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 26 SOUTH, RANGE 1 WEST OF THE 6TH P.M.; DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 30, TOWNSHIP 26 SOUTH, RANGE 1 WEST; THENCE WEST 955 FEET; THENCE NORTH 400 FEET; THENCE EAST 200 FEET; THENCE NORTH 113.7 FEET; THENCE EAST TO THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 513.7 FEET TO THE POINT OF BEGINNING; EXCEPT FOR ROAD RIGHT-OF-WAY.

UNPLATTED TRACT "J"

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 26 SOUTH, RANGE 1 WEST DESCRIBED AS FOLLOWS:

BEGINNING 955 FEET WEST OF THE SOUTHEAST CORNER; THENCE WEST 313.93 FEET; THENCE NORTH 754.15 FEET; THENCE SOUTHEASTERLY 269.84 FEET; THENCE NORTH 633.02 FEET TO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER; THENCE EAST 249.14 FEET; THENCE SOUTH 206.03 FEET; THENCE EAST 1.26 FEET, THENCE SOUTH 113.7 FEET; THENCE WEST 200 FEET; THENCE SOUTH 400 FEET TO THE POINT OF BEGINNING; EXCEPT ROAD RIGHT-OF-WAY ON THE SOUTH.

UNPLATTED TRACT "K"

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 26 SOUTH, RANGE 1 WEST OF THE 6TH P.M.; DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 30; THENCE NORTH TO THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHEAST QUARTER; THENCE EAST TO A POINT 1009.14 FEET WEST OF THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 633.02 FEET; THENCE NORTHWESTERLY 269.84 FEET; THENCE SOUTH 754.15 FEET TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE WEST TO THE BEGINNING; EXCEPT FOR THE SOUTH 30 FEET FOR ROAD RIGHT-OF-WAY.

UNPLATTED TRACT "L"

A TRACT OF LAND IN SECTION 31, TOWNSHIP 26 SOUTH, RANGE 1 WEST OF THE 6TH P.M.; DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 939.39 FEET WEST OF THE NORTHEAST CORNER OF THE NORTHEAST QUARTER; THENCE SOUTH 500 FEET; THENCE WEST 634.08 FEET; THENCE NORTH 500 FEET; THENCE EAST TO THE POINT OF BEGINNING; EXCEPT THE NORTH 30 FEET AND EXCEPT THE WEST 70 FEET FOR ROAD RIGHT-OF-WAY.

UNPLATTED TRACT "M"

A TRACT OF LAND IN SECTION 31, TOWNSHIP 26 SOUTH, RANGE 1 WEST OF THE 6TH P.M.; DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT 1573.47 FEET WEST AND 500 FEET SOUTH OF THE NORTHEAST CORNER OF THE N.E. QUARTER; THENCE EAST 751.25 FEET; THENCE SOUTH 513.04 FEET; THENCE WEST 750 FEET; THENCE NORTH 511.6 FEET TO THE POINT OF BEGINNING; EXCEPT THE WEST 100 FEET OF THE NORTH 100 FEET FOR ROAD RIGHT-OF-WAY.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the owners of land liable for assessment shall be on a **square foot** basis.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended and supplemented, and K.S.A. 12-693.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, this 8th day of June, 2004.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)